In the Matter of	)	
	)	
Advanced Methods to Target and	)	CG Docket No. 17-59
Eliminate Illegal Robocalls	)	
	)	
	)	

RESPONSE OF LUMEN

I.   INTRODUCTION

Lumen[1] submits this filing in response to the Petition for Reconsideration ("Petition")

filed by USTelecom – The Broadband Association ("USTelecom")[2] regarding the calling party

notification and blocked call list requirements adopted in the Federal Communications

Commission's ("Commission") *Fourth Report and Order* in its call blocking proceeding.[3]

Lumen supports the requests for clarification described in USTelecom's Petition and builds upon

concerns expressed by USTelecom with respect to the call blocking notification implementation

deadline. As USTelecom describes, both the call blocking notification and blocked call list

requirements should be clarified to apply to analytics-based blocking rather than long-standing,

legacy blocking and screening services. Additionally, in light of recent information from its

vendor, Lumen amplifies the concerns raised by USTelecom that implementation of SIP

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[1] These comments are filed by and on behalf of Lumen Technologies, Inc. d/b/a Lumen Technologies ("Lumen") and its regulated subsidiaries.

[2] Petition for Reconsideration and Request for Clarification of USTelecom – The Broadband Association filed in WC Docket No. 17-59 on May 6, 2021 ("USTelecom Petition").

[3] *See Advanced Methods to Target and Eliminate Unlawful Robocalls*, WC 17-59, Fourth Report and Order, 35 FCC Rcd 15221 (2020) ("*Fourth Report and Order*").

Response Codes 607 and 608 to provide call blocking notifications is likely to extend beyond

January 1, 2022.

II.   THE CALL BLOCKING NOTIFICATION AND BLOCKED CALL LIST REQUIREMENTS ADOPTED IN THE *FOURTH REPORT AND ORDER* SHOULD APPLY ONLY TO ANALYTICS-BASED BLOCKING

Lumen appreciates the balance the Commission is trying to strike with respect to call

blocking and its decision to provide a mechanism for calling parties to become aware of whether

their calls have been blocked. Through the *Call Blocking Declaratory Ruling and Further*

Notice,[4] the Commission addressed how voice service providers could offer consumers the

ability to block unwanted calls through reasonable analytics not only on an opt-in basis, but also

on an opt-out basis to encourage broader adoption and use of this tool in the battle against illegal

robocalls.[5] As the Commission predicted,[6] analytics-based measures consistent with the

Commission's directives have been widely adopted and very successful at blocking unwanted

calls.[7]

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[4] *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor,* CG Docket No. 17-59, WC Docket No. 17-97, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd 4876, ¶¶ 22-46 (2019) ("*Call Blocking Declaratory Ruling and Further Notice*").

[5] *Call Blocking Declaratory Ruling and Further Notice* ¶ 34.

[6] "We believe that the benefit to consumers of voice service providers offering opt-out blocking services – which could potentially block billions of unwanted, including illegal, calls – will exceed any costs incurred." *Call Blocking Declaratory Ruling and Further Notice*, ¶ 39.

[7] For example, NomoRobo charts the growth of its wireline call blocking solution as having blocked just over 150,000 calls in October 2013, but over 43 million calls in January 2020. https://ecfsapi.fcc.gov/file/102282465628165/Nomorobo%20Response%20FCC.pdf (last visited June 2, 2021). As of June 2020, AT&T had reportedly blocked almost 6 billion calls since 2016. Call Blocking Tools Now Substantially Available to Consumers: Report on Call Blocking, CG Docket No. 17-59 at 12 (https://www.fcc.gov/document/call-blocking-report-tools-now-substantially-available-consumers) ("*CGB Call Blocking Report June 2020*").

However, in authorizing analytics-based blocking measures, the Commission also confirmed that consumers have had the long-standing right to block calls without violating the Communications Act or Commission rules, so long as the consumer makes the choice to do so.[8] Lumen has long offered its customers screening and blocking tools on its legacy CenturyLink networks, for customers to use as they see fit.[9] While these tools can provide certain screening and blocking functions at the customer's discretion, they are more limited in scope and more narrowly tailored by the customer than the network-based, reasonable analytics tools authorized by the *Call Blocking Declaratory Ruling* which have the effect of blocking billions of calls at the network level without specific consumer input. Significantly, these legacy tools have been available and in use for decades without prompting concerns from the calling party community about redress. The calling party community's concerns about redress stem from widely employed, analytics-based blocking.[10] Even if it made sense to impose a notification requirement on these legacy tools – which it does not due to the high level of customer control

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[8] *Call Blocking Declaratory Ruling and Further Notice*, ¶ 31.

[9] See, e.g., Reply Comments of Lumen filed on September 29, 2020 at 5-6 (describing how Lumen's Anonymous Call Rejection and Call Rejection calling features operate and noting they are generally more simplistic that other more dynamic tools) ("Lumen Reply Comments"). See also *CGB Call Blocking Report June 2020* at 14, describing the Company's screening tools which include the "No Solicitation" service, which plays an automated message asking solicitors to hang up and tells legitimate callers to press a specific key, and the "Security Screen" service that requires callers with blocked, unidentified, toll-free, or long distance numbers to enter their 10-digit number before the call will connect. Lumen also offers an expanded caller ID service, including "Caller ID with Privacy+", that blocks calls without caller ID unless the caller provides a name; "Anonymous Call Rejection" that blocks calls from private or anonymous numbers; and "Call Rejection" and "Enhanced Call Rejection" that block calls from specific numbers. "Do Not Disturb" and "Call Curfew" block incoming calls during specified hours. These end-user blocking tools are opt-in.

[10] See, e.g., Comments of Ad Hoc Telecom Users Committee filed on August 31, 2020 in WC Docket No. 17-59 (noting that "[s]ince the Commission granted carriers unfettered discretion to block calls using 'reasonable analytics,' Ad Hoc members have suffered an increase in inappropriate blocking of their lawful and legitimate calls.")

involved in use of these features – it is unclear whether those systems are technically capable of accommodating such a notification. Because of these important differences in the nature and scale of blocking tools on legacy networks, as set forth in USTelecom's Petition, any call blocking notification requirement stemming from the *Fourth Report and Order* should be limited to calls blocked based on reasonable analytics.[11]

Similarly, this same rationale holds to limit provision of blocked call lists to calls that are blocked based on reasonable analytics. As noted above, the scope of legacy call screening and blocking tools is narrow and based upon a high level of customer engagement and awareness. Service providers should not be required to produce blocked call lists to customers where calls are blocked pursuant to a customer's specific direction.[12] In contrast, when blocking is based on reasonable analytics, the customer can lack visibility into the specific network-level blocking decisions that are being made by a voice service provider on the customer's behalf, and a blocked call list serves to provide customers information they may otherwise lack. Moreover, technical feasibility is also a concern in providing blocked call lists for all legacy features, since these features were implemented decades ago long before call blocking redress was a concern. In light of these circumstances, the Commission should grant USTelecom's Petition and confirm that a blocked call list need only include calls blocked based on a provider's use of analytics-based robocall blocking services, and not based on other line-item features selected by the customer.

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[11] USTelecom Petition at 11 (observing that notification should not be required where blocking is done based on the customer's own analysis of what calls they want or do not want).

[12] USTelecom Petition at 12.

**III.   READING LUMEN'S NETWORK TO PASS AND MAP SIP RESPONSE
CODES STANDS TO EXTEND BEYOND JANUARY 1, 2022**

A.   The *Fourth Report and Order*'s Call Blocking Notification Requirements
Were Not Intended to Present Substantial Implementation Challenges

The *Fourth Report and Order* mandates (1) that terminating providers that block calls
immediately notify callers of such blocking; and (2) that all voice service providers in the call
path transmit the specified code (SIP Codes 607 or 608 for IP networks and ISUP Code 21 for
TDM networks) to the origination point so that callers may receive timely notice of blocked
calls.[13] Since many calls transit both IP-based and TDM networks, and the *Fourth Report and
Order* directs how these codes are to be mapped for calls transiting between IP and TDM
networks.[14]

Lumen had opposed proposals in the rulemaking leading to the *Fourth Report and Order*
about the burden associated with providing unique tones or intercept messages to alert calling
parties that their calls have been blocked.[15] Lumen explained some of the challenges it would
face with those proposals, describing how its legacy systems are not capable of responding to
dynamic inputs from third-parties without significant additional investment and how the variety
of equipment Lumen has in place in its network would exacerbate the challenge of
implementation.[16] Lumen argued that the better course would be for the Commission to avoid
prescriptive mandates and take a flexible approach to call blocking notification that accounts for

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[13] *Fourth Report and Order*, at ¶¶ 52, 56.

[14] For example, for signals moving from IP to TDM, voice service providers, regardless of their
position in the network, must make any necessary upgrades or software configuration changes to
ensure that SIP Codes 607 and 608 map to ISUP Code 21. *Fourth Report and Order* ¶ 57.

[15] See Lumen Reply Comments.

[16] Lumen Reply Comments at 5-7.

the wide range of offerings voice service providers make available to their customers and does

not impose undue costs or burdens on voice service providers.[17]

In an attempt to address Lumen's concerns, the *Fourth Report and Order* concludes to

repurpose an existing ISUP code, rather than requiring a unique notification or intercept

message, noting that switches should already be configured to handle the selected ISUP code[18]

which should reduce the implementation burden. The Commission explained that its adopting of

these specific SIP and ISUP code requirements would "make use of existing tools voice service

providers already use in other contexts."[19] As a result, although the Commission did not heed

Lumen's call to avoid prescriptive mandates in this space, the Commission's stated expectation

was that voice service providers' networks would already be capable of handling these codes,

such that the only changes they would need would be to ensure that appropriate steps are taken

when calls move between VoIP and TDM networks.[20]

B.   Implementing SIP Response Codes 607/608 Will Be a Greater Burden
       than Anticipated

Lumen was hopeful that the call blocking notification measures adopted in the *Fourth*

Report and Order would be readily achievable, consistent with the Commission's intent.

However, in its Petition, USTelecom observed that implementing SIP Response Codes 607/608

will take time as providers will need to make changes to the TDM infrastructure that are

dependent on vendors, and that it is "highly unlikely that providers will be able to fully complete

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[17] Lumen Reply Comments at 9.

[18] *Fourth Report and Order* at 60. The Commission envisioned that "TDM-based voice service providers [would] need only ensure that their networks are configured to make use of the appropriate ISUP code and ensure that SIP codes [would be] properly translated at the edge of their network." *Id.*

[19] *Fourth Report and Order* at n.127.

[20] *Fourth Report and Order* at n.127.

this work by January 1, 2022...."[21] As Lumen has explained in other robocalling contexts, it is dependent on its vendor to provide customized software implementations to upgrade its network capabilities.[22] And by virtue of Lumen's history of acquisitions, it now operates several discrete networks, each of which poses unique implementation issues and product requirements.

Lumen recently learned from its vendor that implementing SIP Response Codes 607/608 consistent with the *Fourth Report and Order* will be a major undertaking, rather than the expected small-scale software release or "patch." This major platform upgrade that Lumen's vendor described will entail design, implementation, and testing work to ensure seamless operation consistent the *Fourth Report and Order*. Customized software implementations, hardware modifications and, in some cases, hardware replacements will likely be needed. These implementations and modifications will be time-consuming, likely requiring more time that the January 1, 2022 deadline allows, and will be well beyond the scope that the Commission anticipated in the *Fourth Report and Order*.[23] Lumen continues to review whether there are alternatives that may reduce these anticipated burdens, but is concerned about the time and expense that it currently expects will be required to implement this call blocking notification capability.

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[21] USTelecom Petition at 5 and n.8. noting that implementation work based on the standards adopted in the *Fourth Report and Order* is highly likely to extend beyond January 1, 2022.

[22] See, e.g., Letter dated February 18, 2020 from Randy Clarke, CenturyLink, to Marlene H. Dortch, FCC, in WC Docket No. 17-97 at 2 (noting, "like all other carriers, [Lumen] is a network operator rather than a software developer and, as such, depends on software vendors for software updates").

[23] *Fourth Report and Order* at n.127.

IV.   CONCLUSION

Lumen appreciates the Commission's substantial efforts to combat illegal robocalls while providing reasonable means for redress for blocked calls. The clarifications sought by USTelecom, and echoed here, are consistent with the spirit of the *Fourth Report and Order* and should be granted. While the *Fourth Report and Order's* call blocking notification requirements were not intended to present substantial implementation challenges, Lumen anticipates, based on information it recently learned from its software vendor, that it will need a costly and time-consuming platform upgrade in order to comply.

Respectfully submitted,

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